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CONGRESSMAN DAN LUNGREN

Representing California's 3rd District

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Dear Friend,

Congressman Bart Stupak (D-MI) has announced that he has reached an agreement with the White House regarding federal funding of abortion contained in the Senate bill. The White House has agreed to issue an Executive Order stating what the Stupak-Pitts amendment to the first House health care bill ensured: that no federal tax dollars would be used to perform or subsidize abortions except in the case of rape, incest, or the life of the mother.

However, Executive Orders can be changed or rescinded at any time by any President. Furthermore, Public Law supersedes Executive Orders, so the federal taxpayer funding of abortion contained in the Senate bill will necessarily overrule whatever Executive Order the President issues. This is especially the case for the issue of federal funding of abortions because federal court rulings indicate that taxpayer funds cannot be denied to the provision of abortion in the absence of explicit statutory restrictions on such funding. That is why the Hyde amendment was needed in 1976 to stop Medicaid from funding 300,000 abortions a year and why the Stupak-Pitts amendment was necessary in the legislation passed by the House. The President cannot change what the law says by simple Executive Order.

The fact that pro-choice Democrats are not concerned about the promised Executive Order is telling. Chief Deputy Whip and pro-choice Democrat Debbie Wasserman Schultz today admitted that an Executive Order cannot and will not change the language in the Senate bill and will only provide "comfort" to Democrats with moral concerns about taxpayer funded abortion. She stated, "Well it can't be changed by Executive Order, because an Executive Order can't change the law."

This complete reversal of 33 years of preventing the expenditure of tax dollars for abortion other than the cases contained in the exceptions – the denial of which has been upheld by the U.S. Supreme Court in *Harris v. McCrae* – is a stunning leap forward for abortion advocates. For the first time in our history, tax dollars will now fund abortions

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without exception. As Thomas Moore says in *A Man for All Seasons*, "Richard, it profits a man nothing to give his soul for the whole world, but for *Wales*?" Should we give up our 30 year consensus on limiting federal taxpayer funding of abortion – for an Executive Order?

Sincerely,



Daniel E. Lungren
Member of Congress

Any comments?

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